

AMENDED IN SENATE APRIL 2, 2014

**SENATE BILL**

**No. 837**

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**Introduced by Senators Steinberg, Beall, Block, *De León*,  
DeSaulnier, Hancock, Hill, Lara, Leno, Liu, and Wolk**  
(Coauthor: Assembly Member Bonta)

January 6, 2014

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An act to amend Sections ~~46300 and 14022.3~~, 46300, 48000, and 60200 of, and to add Article 1.5 (commencing with Section ~~48005.10~~ 48005) to Chapter 1 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to transitional kindergarten.

LEGISLATIVE COUNSEL'S DIGEST

SB 837, as amended, Steinberg. Schools: transitional kindergarten.

Existing law authorizes a school district or charter school to maintain a transitional kindergarten program, and, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, requires the school district or charter school to comply with specified minimum age requirements for pupils participating in the transitional kindergarten program. Existing law also specifies that a transitional kindergarten program shall not be construed as a new program or higher level of service.

This bill, the Kindergarten Readiness Act of 2014, would instead require each school district or charter school that offers kindergarten to offer transitional kindergarten, and would require a child that meets specified minimum age requirements to be admitted to transitional kindergarten. The bill would authorize the average daily attendance of a school district *and charter school* to include the average daily attendance of pupils enrolled in transitional kindergarten and would require transitional kindergarten to receive a per pupil base grant for

apportionment purposes, as specified. The bill would require transitional kindergarten to be taught by teachers and ~~associate teachers~~ *paraprofessionals* who meet certain requirements, and would require transitional kindergarten to include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system. The bill would require a school district or charter school offering transitional kindergarten to provide public notice of the availability of transitional kindergarten and to administer transitional kindergarten, as specified. The bill would authorize a school district or charter school administering transitional kindergarten to contract with a public local agency or private local provider, or both, to participate in the delivery of transitional kindergarten. The bill would require a private local provider participating in the delivery of transitional kindergarten to be considered a public school employer, as defined, for certain purposes. *The bill would require the State Board of Education to adopt basic instructional materials for use in transitional kindergarten commencing with the 2015–16 school year, as specified.* By requiring school districts and charter schools that offer kindergarten to offer transitional kindergarten, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Kindergarten Readiness Act of 2014.
- 3 SEC. 2. (a) The Legislature finds and ~~declares~~ *declares* all of
- 4 the following:
- 5 (1) Recent reforms such as implementation of the common core
- 6 state standards and the local control funding formula establish
- 7 increased quality and greater equity in California's public education
- 8 system.

(2) However, these reforms do not address the reality that an achievement gap among children is present well before children first step through the kindergarten classroom door.

(3) Recent research shows that by ~~the age of two~~, *two years of age*, low-income children are six months behind in language development relative to their higher income peers, and that by ~~age five~~, *five years of age*, low-income children are more than two years behind their higher income peers in language development.

(4) Research also shows that California children with the largest gaps in school readiness and achievement are the least likely to participate in any preschool and the least likely to attend high-quality preschool programs.

(5) ~~Only~~ *In 2012, only* half of California's low-income preschoolers ~~benefit from~~ *preschool-age children had access to* existing state preschool programs or federal Head Start programs, and only one-quarter of all children ~~are~~ *were* provided with transitional kindergarten.

(6) Children who do not read proficiently by the end of third grade are four times less likely to graduate from high school on time.

(7) ~~Only 48%~~ *48 percent* of California's third graders tests proficient or better in English language arts *in 2012*.

(8) Nationally, more than 100 studies have shown that high-quality preschool significantly improves a child's school readiness and school performance.

(9) Numerous longitudinal studies have shown that high-quality ~~transitional kindergarten~~ *prekindergarten* programs decrease grade retention and special education placements and increase high school graduation rates, college enrollment rates, and earnings in adulthood. High-quality ~~transitional kindergarten~~ *prekindergarten* programs also decrease taxpayer costs ~~on~~ *for* criminal justice and welfare.

(10) If California were to invest in high-quality ~~preschool~~ *prekindergarten* programs, the savings in the prison system alone are estimated to reach \$1.1 billion per year due to reducing the prison population by 13,000 prisoners.

~~(b) It is the intent of the Legislature in enacting the Kindergarten Readiness Act of 2014 to accomplish all of the following:~~

~~(1) Make early childhood education in California a rational and efficient system so that all of California's four-year-old children~~

1 have access to a voluntary, high-quality transitional kindergarten  
2 program one year before enrolling in kindergarten.

3 ~~(2) More strategically use existing state and federal funds to~~  
4 ~~provide full-day, developmentally appropriate services for~~  
5 ~~four-year-old children from low-income families, and provide~~  
6 ~~high-quality early learning and care to those children who need it~~  
7 ~~the most.~~

8 ~~(3) Ensure that children are four years of age by September 1~~  
9 ~~in order to attend transitional kindergarten in that academic year.~~

10 ~~(4) Ensure that parents and guardians receive timely information~~  
11 ~~from local educational agencies about the new age requirements~~  
12 ~~for enrollment in transitional kindergarten that are implemented~~  
13 ~~pursuant to this act.~~

14 *(b) It is the intent of the Legislature to strategically use state*  
15 *and federal funds to provide a stable, comprehensive, and*  
16 *adequately funded early learning and educational support system*  
17 *for children from birth to five years of age that promotes access*  
18 *to safe, high-quality, part-day and full-day services that support*  
19 *the development of the whole child, especially for the children who*  
20 *need it most, and that includes, but is not limited to, all of the*  
21 *following:*

22 *(1) Support for positive parent-child relationships and*  
23 *responsive caregiving.*

24 *(2) Promotion of language rich environments, including at*  
25 *home.*

26 *(3) Developmentally appropriate curriculum with differentiated*  
27 *instruction.*

28 *(4) Knowledgeable, caring, and well-trained educators, staff,*  
29 *and providers.*

30 *(5) Program activities and services that are age-appropriate*  
31 *and meet the developmental needs of each child, including special*  
32 *needs children.*

33 *(6) Promotion of healthy practices and activities.*

34 *(7) An educationally enriched environment that respects and*  
35 *supports cultural, linguistic, and ability diversity.*

36 *(8) A physical environment that is safe and appropriate to the*  
37 *ages and developmental needs of the children served.*

38 *(9) Provision for the nutritional needs and physical activity of*  
39 *children.*

1     (10) Access for low-income infants, toddlers, and preschoolers  
2     to high-quality early learning and care.

3     (11) Access for all four-year-old children to a voluntary,  
4     high-quality transitional kindergarten program one year before  
5     enrolling in kindergarten.

6     (12) Support services for children and families that include  
7     referral of children to appropriate agencies including, but not  
8     limited to, any of the following:

9         (A) Health care services.

10        (B) Social services that include, but are not limited to, child  
11        abuse prevention, identification of child and family needs, and  
12        referral to appropriate agencies.

13        (C) Early childhood mental health services that include, but  
14        are not limited to, primary prevention, crisis intervention,  
15        assessments, and referrals.

16        (D) Family support services, parenting education, and family  
17        and community engagement.

18        (E) Counseling, including, but not limited to, family counseling.

19        (F) Nutrition services.

20     (13) Interagency coordination and collaboration among the  
21     agencies responsible for the provision of support services to  
22     children and their families.

23     (c) It is further the intent of the Legislature to ensure that the  
24     expansion of transitional kindergarten does not adversely impact  
25     access to early care and education opportunities for infants and  
26     toddlers.

27     SEC. 3. Section 14022.3 of the Education Code is amended to  
28     read:

29     14022.3. (a) For purposes of calculating “increases in  
30     enrollment” pursuant to paragraph (2) or (3) of subdivision (b) of  
31     Section 8 of Article XVI of the California Constitution, the term  
32     “enrollment” for school districts, community college districts, and  
33     state agencies providing direct elementary and secondary level  
34     instructional services means the sum of the following:

35         (1) Second principal apportionment regular average daily  
36         attendance for *transitional kindergarten*, kindergarten, and grades  
37         1 to 12, inclusive, as defined in subdivision (b) of Section 42238.5,  
38         and as adjusted for any average daily attendance audit findings.

39         (2) Annual average daily attendance for county offices of  
40         education, as calculated pursuant to subdivision (c) of Section

1 41601, and as adjusted for any average daily attendance audit  
2 findings.

3 (b) Any determination or computation of enrollment for purposes  
4 of this section shall be based upon actual data from prior years.  
5 For the next succeeding year, any determination or computation  
6 of enrollment for purposes of this section shall be the estimated  
7 enrollment, adjusted as actual data become available.

8 ~~SEC. 3.~~

9 *SEC. 4.* Section 46300 of the Education Code is amended to  
10 read:

11 46300. (a) In computing average daily attendance of a school  
12 district or county office of education, there shall be included the  
13 attendance of pupils while engaged in educational activities  
14 required of those pupils and under the immediate supervision and  
15 control of an employee of the school district or county office of  
16 education who ~~possessed~~ *possesses* a valid certification document,  
17 registered as required by law.

18 (b) (1) For purposes of a work experience education program  
19 in a secondary school that meets the standards of the California  
20 State Plan for Career Technical Education, “immediate  
21 supervision,” in the context of off-campus work training stations,  
22 means pupil participation in on-the-job training as outlined under  
23 a training agreement, coordinated by the school district under a  
24 state-approved plan, wherein the employer and certificated school  
25 personnel share the responsibility for on-the-job supervision.

26 (2) The pupil-teacher ratio in a work experience program shall  
27 not exceed 125 pupils per full-time equivalent certificated teacher  
28 coordinator. This ratio may be waived by the state board pursuant  
29 to Article 3 (commencing with Section 33050) of Chapter 1 of  
30 Part 20 of Division 2 under criteria developed by the state board.

31 (3) A pupil enrolled in a work experience program shall not be  
32 credited with more than one day of attendance per calendar day,  
33 and shall be a full-time pupil enrolled in regular classes that meet  
34 the requirements of Section 46141 or 46144.

35 (c) (1) For purposes of the rehabilitative schools, classes, or  
36 programs described in Section 48917 that require immediate  
37 supervision, “immediate supervision” means that the person to  
38 whom the pupil is required to report for training, counseling,  
39 tutoring, or other prescribed activity shares the responsibility for

1 the supervision of the pupils in the rehabilitative activities with  
2 certificated personnel of the school district.

3 (2) A pupil enrolled in a rehabilitative school, class, or program  
4 shall not be credited with more than one day of attendance per  
5 calendar day.

6 (d) (1) For purposes of computing the average daily attendance  
7 of pupils engaged in the educational activities required of high  
8 school pupils who are also enrolled in a regional occupational  
9 center or regional occupational program, the school district shall  
10 receive proportional average daily attendance credit for those  
11 educational activities that are less than the minimum schoolday,  
12 pursuant to regulations adopted by the state board; however, none  
13 of that attendance shall be counted for purposes of computing  
14 attendance pursuant to Section 52324.

15 (2) A school district shall not receive proportional average daily  
16 attendance credit pursuant to this subdivision for a pupil in  
17 attendance for less than 145 minutes each day.

18 (3) The divisor for computing proportional average daily  
19 attendance pursuant to this subdivision is 240, except that, in the  
20 case of a pupil excused from physical education classes pursuant  
21 to Section 52316, the divisor is 180.

22 (4) Notwithstanding any other law, travel time of pupils to attend  
23 a regional occupational center or regional occupational program  
24 shall not be used in any manner in the computation of average  
25 daily attendance.

26 (e) (1) In computing the average daily attendance of a school  
27 district, there shall also be included the attendance of pupils  
28 participating in independent study conducted pursuant to Article  
29 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
30 five or more consecutive schooldays.

31 (2) A pupil participating in independent study shall not be  
32 credited with more than one day of attendance per calendar day.

33 (f) For purposes of cooperative career technical education  
34 programs and community classrooms described in Section 52372.1,  
35 “immediate supervision” means pupil participation in paid and  
36 unpaid on-the-job experiences, as outlined under a training  
37 agreement and individualized training plans wherein the supervisor  
38 of the training site and certificated school personnel share the  
39 responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district, *district or charter school*, there shall be included the attendance of ~~pupils in transitional kindergarten and kindergarten.~~ *a pupil in kindergarten after he or she has completed one school year in kindergarten or a pupil in a transitional kindergarten program after he or she has completed one year in that program if either of the following conditions is met:*

(A) *The school district or charter school has on file for each kindergarten pupil an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.*

(B) *The pupil participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.*

(2) A school district *or charter school* may not include for apportionment purposes the attendance of any pupil for more than two years in ~~kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.~~

(3) For purposes of transitional kindergarten operated by a private local provider pursuant to paragraph (2) of subdivision (a) of Section ~~48005.20; 48005.15~~, “immediate supervision” means being under the immediate supervision of an employee of the private local provider who satisfies the requirements of Section ~~48005.35; 48005.30~~.

~~SEC. 4.~~

*SEC. 5.* Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten ~~maintained~~ *administered* by the school district *or charter school* at the beginning of a school year, or at a later time in the same year, if the child will have his or her fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

(b) A child shall be admitted to a transitional kindergarten ~~maintained~~ *administered* by the school district *or charter school* at the beginning of a school year, or at a later time in the same



1 year, if the child will have his or her fifth birthday between the  
2 following dates:

3 (1) *September 2, 2014, to December 2, 2014, inclusive, for the*  
4 *2014–15 school year.*

5 ~~(1)~~

6 (2) September 2, 2015, to February 1, 2016, inclusive, for the  
7 2015–16 school year.

8 ~~(2)~~

9 (3) September 2, 2016, to April 1, 2017, inclusive, for the  
10 2016–17 school year.

11 ~~(3)~~

12 (4) September 2, 2017, to June 1, 2018, inclusive, for the  
13 2017–18 school year.

14 ~~(4)~~

15 (5) September 2, 2018, to August 2, 2019, inclusive, for the  
16 2018–19 school year.

17 (c) A child shall be admitted to a transitional kindergarten  
18 ~~maintained~~ *administered* by the school district *or charter school*  
19 at the beginning of a school year, or at a later time in the same  
20 year, if the child will have his or her fourth birthday on or before  
21 September 1 of the 2019–20 school year and each school year  
22 thereafter.

23 (d) The governing board of a school district ~~maintaining~~ *or the*  
24 *governing body of a charter school administering* one or more  
25 kindergartens may, on a case-by-case basis, admit to a kindergarten  
26 a child having attained the age of five years at any time during the  
27 school year with the approval of the parent or guardian, subject to  
28 the following conditions:

29 (1) The governing board of the school district *or the governing*  
30 *body of the charter school* determines that the admittance is in the  
31 best interests of the child.

32 (2) The parent or guardian is given information regarding the  
33 advantages and disadvantages and any other explanatory  
34 information about the effect of this early admittance.

35 (e) For purposes of this section, “transitional kindergarten”  
36 means a school-year long kindergarten readiness grade level that  
37 is age and developmentally appropriate for a child who will be  
38 four years old *on or before* September 1 of the year in which he  
39 or she enrolls in transitional kindergarten.

1     ~~SEC. 5.~~

2     ~~SEC. 6.~~ Article 1.5 (commencing with Section ~~48005.10~~)  
3     ~~48005~~) is added to Chapter 1 of Part 27 of Division 4 of Title 2 of  
4     the Education Code, to read:

5  
6             Article 1.5. Kindergarten Readiness Act of 2014

7  
8     ~~48005.10.~~

9     ~~48005.~~ Transitional kindergarten is hereby established to do  
10    all of the following:

11    (a) Support all children in developing the skills ~~necessary~~ *needed*  
12    *to build a strong foundation* for success in school and life. These  
13    skills shall ~~include, but are~~ *be based on developmental domains*  
14    *outlined in the California Preschool Learning Foundations*  
15    *developed by the department, and shall include, but not be* limited  
16    to, all of the following:

17    (1) Cognitive skills such as language, early literacy, and  
18    numeracy.

19    (2) Social-emotional skills such as perseverance, self-control,  
20    self-esteem, motivation, and conscientiousness.

21    (3) Physical skills such as gross and fine motor development,  
22    and healthy eating habits.

23    (b) Be age and developmentally appropriate.

24    (c) Build on high-quality early learning and child care programs,  
25    including federal Head Start programs, to sustain ~~the gains and~~  
26    *support the cognitive, social-emotional, and physical development*  
27    that children achieve *while* attending ~~those prekindergarten~~  
28    programs.

29    ~~48005.15.~~

30    ~~48005.05.~~ (a) A school district or charter school that offers  
31    kindergarten shall make transitional kindergarten available to all  
32    eligible children and shall allow, to the greatest extent possible, a  
33    parent of an eligible child to choose the transitional kindergarten  
34    that the eligible child attends.

35    (b) On or before July 1, 2015, each county superintendent of  
36    schools shall conduct a review of the level of access to transitional  
37    kindergarten, state preschool, and *federal* Head Start provided to  
38    eligible children within the county. The review shall include, but  
39    is not limited to, a description of the plans of the school districts  
40    and charter schools in the county that offer kindergarten; to make

1 transitional kindergarten available to all eligible children by the  
2 2019–20 school year. The county superintendent of schools shall  
3 post the results of the review on its Internet Web site.

4 (c) To encourage the efficient use of existing facilities,  
5 transitional kindergarten may be operated using available classroom  
6 space at a public schoolsite meeting kindergarten classroom  
7 requirements, or at any public or private facility that has a child  
8 care license for age-eligible children, as defined in Division 12 of  
9 Title 22 of the California Code of Regulations.

10 ~~(d) Federal funding for preschool programs, and state funding~~  
11 ~~annually appropriated in the Budget Act for the support of state~~  
12 ~~preschool programs, shall be used to provide services for eligible~~  
13 ~~three-, four-, and five-year-old children, including augmenting~~  
14 ~~transitional kindergarten to provide full-day learning and child~~  
15 ~~care services for participants.~~

16 ~~(e) Transitional kindergarten funds shall supplement, and not~~  
17 ~~supplant, federal and state funding for existing child care and~~  
18 ~~development programs.~~

19 *48005.10. (a) Federal funding for preschool programs, and*  
20 *state funding annually appropriated in the Budget Act for the*  
21 *support of state preschool programs, shall be used to provide*  
22 *services for eligible three-, four-, and five-year-old children,*  
23 *including, but not limited to, augmenting transitional kindergarten*  
24 *to provide full-day, full-year learning and child care services for*  
25 *participants.*

26 *(b) Transitional kindergarten funds shall supplement, and not*  
27 *supplant, federal and state funding for existing child care and*  
28 *development programs.*

29 ~~48005.20.~~

30 *48005.15. (a) A school district or charter school offering*  
31 *administering transitional kindergarten shall do both of the*  
32 *following:*

33 (1) Provide public notice of the availability of transitional  
34 kindergarten using a variety of strategies to reach and inform  
35 families living in areas of poverty or high linguistic diversity,  
36 including, but not limited to, providing information through  
37 schoolsite councils, school advisory groups, community  
38 organizations, and parent meetings.

39 (2) Administer the program for participating children. A school  
40 district or charter school administering transitional kindergarten

1 may contract with a public local agency, including, but not limited  
2 to, a county office of education, or a private local provider, or both,  
3 to participate in the delivery of transitional kindergarten consistent  
4 with the statutory requirements of transitional kindergarten.

5 (b) (1) It is the intent of the Legislature that a school district or  
6 charter school ~~offering~~ *administering* transitional kindergarten  
7 provide high-quality professional ~~development~~ *learning to the staff*  
8 *of the school district, charter school, public local agency, or*  
9 *private local provider providing transitional kindergarten that is*  
10 aligned to transitional kindergarten standards adopted by the state  
11 board and designed to improve child learning and development.  
12 It is further the intent of the Legislature that professional  
13 ~~development~~ *learning* for transitional kindergarten teachers and  
14 ~~associate teachers~~ *paraprofessionals* supports both of the following:

15 (A) Teacher-child interactions that promote child engagement  
16 and learning.

17 (B) The use of child-level and class-level data to inform  
18 instructional strategies.

19 (2) Professional ~~development~~ *learning* for transitional  
20 kindergarten teachers and ~~associate teachers~~ *paraprofessionals*  
21 shall be aligned with the professional ~~development~~ *learning*  
22 provided to teachers and administrative staff in kindergarten and  
23 grades 1 to 3, inclusive, *and professional learning provided to*  
24 *preschool teachers and staff that may include, but is not limited*  
25 *to, the California Early Childhood Education Competencies*  
26 *developed by the department.*

27 ~~48005.25.~~

28 48005.20. Transitional kindergarten shall include all of the  
29 following elements to promote integration and alignment with the  
30 early learning and child care system and the elementary education  
31 system:

32 (a) Until statewide transitional kindergarten standards are  
33 adopted, use of the research-based age and developmentally  
34 appropriate ~~preschool learning foundations of the department for~~  
35 ~~all eight early childhood domains and the kindergarten education~~  
36 ~~content standards that are aligned with elementary education~~  
37 ~~standards.~~ *California Preschool Learning Foundations developed*  
38 *by the department.*

39 (b) Use and implementation of curriculum frameworks,  
40 instructional materials, and ~~diagnostic~~ *developmental* assessment

1 tools that are aligned with the California Preschool Learning  
2 Foundations and the kindergarten education content standards.

3 (c) Inclusion in the single school plan for pupil achievement  
4 and the local control and accountability plan.

5 (d) Participation in the California Longitudinal Pupil  
6 Achievement Data System and the California School Information  
7 Services.

8 (e) Coordination with other providers of services to young  
9 children, including, but not limited to, providers of health  
10 insurance, health services, including mental and behavioral health,  
11 developmental screening and assessment, parent literacy and  
12 education, and social services, especially through systems of care  
13 provided by First 5 California programs, preschool, and school  
14 health services and clinics.

15 (f) Coordination of services with full-day, full-year early  
16 learning and child care programs.

17 ~~48005.30.~~

18 ~~48005.25.~~ (a) On or before July 1, 2015, 31, 2016, the  
19 Superintendent shall develop, and the state board shall adopt, the  
20 regulations necessary to implement this article and transitional  
21 kindergarten and as necessary, the regulations needed to implement  
22 this article and transitional kindergarten for adoption by the state  
23 board. The regulations shall incorporate existing regulations and  
24 guidelines, as appropriate. The state board may adopt emergency  
25 regulations for purposes of this subdivision, and the adoption of  
26 emergency regulations by the state board pursuant to this  
27 subdivision shall be deemed necessary for the immediate  
28 preservation of the public peace, health and safety, or general  
29 welfare.

30 (b) On or before July 1, January 30, 2016, the Superintendent  
31 shall develop, and the state board shall adopt, transitional  
32 kindergarten standards, curriculum frameworks, and instructional  
33 materials standards that include, but are not limited to,  
34 social-emotional development, English language arts, English  
35 language development, mathematics, and science, that are based  
36 on the nine developmental domains that are included in the  
37 California Preschool Learning Foundations and aligned to  
38 kindergarten education content standards. developed by the  
39 department.

1 (c) After adopting the transitional kindergarten standards  
2 pursuant to subdivision (b), the state board shall review the  
3 curriculum frameworks in English language arts, including English  
4 language development, mathematics, science, and history-social  
5 science for conformity with the transitional kindergarten standards.  
6 On or before January 30, 2017, the state board shall modify the  
7 curriculum frameworks, if appropriate, to align them with the  
8 transitional kindergarten standards and ensure that the transitional  
9 kindergarten standards are integrated into the curriculum  
10 frameworks.

11 (d) During the next revision of the appropriate subject matter  
12 curriculum frameworks for subject areas not described in  
13 subdivision (c), the state board shall modify those subject matter  
14 curriculum frameworks, if appropriate, to align them with the  
15 transitional kindergarten standards and ensure that the transitional  
16 kindergarten standards are integrated into the subject matter  
17 curriculum frameworks.

18 (e) Notwithstanding Section 60200, the state board may adopt  
19 instructional materials aligned with the transitional kindergarten  
20 standards in English language arts, including English language  
21 development, mathematics, science, and history-social science on  
22 or before September 30, 2017.

23 (e)  
24 (f) On or before January 31, 2017, the state board shall revise  
25 the local control and accountability plan template, adopted pursuant  
26 to Section 52064, to include any changes necessary to reflect the  
27 provision of high-quality transitional kindergarten to all eligible  
28 children.

29 48005.35.

30 48005.30. (a) (1) On or before July 1, 2015, all transitional  
31 kindergarten classes shall be taught by a teacher who holds, at a  
32 minimum, an associate degree, and has a professional development  
33 plan that provides for a baccalaureate degree with at least 24 units  
34 in early childhood education and a teaching credential by July 1,  
35 2019; possesses a permit or credential issued by the Commission  
36 on Teacher Credentialing, including, but not limited to, one of the  
37 following:

38 (A) A teacher permit, or higher, authorizing service in the care,  
39 development, and instruction of children in child care development  
40 programs. Teachers qualifying pursuant to this paragraph shall

1 *have a professional learning plan that provides for a baccalaureate*  
2 *degree with at least 24 units in early childhood education, or child*  
3 *development, or a combination of both, and a multiple subject*  
4 *credential, pursuant to subparagraph (B), on or before July 1,*  
5 *2019.*

6 *(B) A multiple subject credential with an authorization to teach*  
7 *prekindergarten to grade 12, inclusive, in a self-contained*  
8 *classroom.*

9 *(C) An elementary credential.*

10 *(D) A single subject credential in home economics.*

11 *(2) A teacher qualifying under subparagraphs (B) to (D),*  
12 *inclusive, of paragraph (1) shall have a professional learning plan*  
13 *that provides for at least 24 units in early childhood education,*  
14 *or child development, or a combination of both, on or before July*  
15 *1, 2019.*

16 *(b) On or before July 1, 2019, all transitional kindergarten*  
17 *classes shall be taught by a teacher who holds a baccalaureate*  
18 *degree with at least 24 units in early childhood education, or child*  
19 *development, or a combination of both, and a teaching credential.*

20 *(c) On or before July 1, 2015, all transitional kindergarten*  
21 ~~*associate teachers shall have, at a minimum, 24 units in early*~~  
22 ~~*childhood education, and a professional development plan that*~~  
23 ~~*provides for an associate degree by July 1, 2019. classes shall*~~  
24 ~~*include a paraprofessional who possesses an assistant permit, or*~~  
25 ~~*higher, issued by the Commission on Teacher Credentialing,*~~  
26 ~~*authorizing service in the care, development, and instruction of*~~  
27 ~~*children in child care development programs. Paraprofessionals*~~  
28 ~~*qualifying pursuant to this paragraph shall have a professional*~~  
29 ~~*learning plan that provides for a teacher permit issued by the*~~  
30 ~~*Commission on Teacher Credentialing, on or before July 1, 2019.*~~

31 *(d) On or before July 1, 2019, all transitional kindergarten*  
32 ~~*associate teachers shall have an associate degree with at least 24*~~  
33 ~~*units in early childhood education. paraprofessionals shall have*~~  
34 ~~*a teacher permit issued by the Commission on Teacher*~~  
35 ~~*Credentialing with at least 24 units in early childhood education,*~~  
36 ~~*or child development, or a combination of both.*~~

37 *(e) All transitional kindergarten paraprofessionals shall be*  
38 *considered classified employees, except for child development*  
39 *personnel who are part of a certificated bargaining unit on January*  
40 *1, 2015.*

1 (e)

2 (f) (1) Commencing with the 2015–16 school year, for purposes  
3 of compensation, including salary and benefits, transitional  
4 kindergarten teachers and ~~associate teachers~~ *paraprofessionals*  
5 ~~shall provide two part-day sessions per day in order to be~~  
6 considered full-time employees.

7 (2) *The provisions of paragraph (1) shall not apply to a*  
8 *collectively bargained agreement entered into on or before*  
9 *December 30, 2014.*

10 (3) *Notwithstanding paragraph (1), if authorized by a*  
11 *collectively bargained agreement, a school district or charter*  
12 *school may use part-time transitional kindergarten teachers and*  
13 *part-time transitional kindergarten paraprofessionals.*

14 ~~(f) On or before July 1, 2015, the Superintendent, in~~  
15 ~~collaboration with the Commission on Teacher Credentialing, the~~  
16 ~~public postsecondary education system, including the California~~  
17 ~~Community Colleges, and private postsecondary institutions, shall~~  
18 ~~establish a workforce development plan for transitional~~  
19 ~~kindergarten teachers and associate teachers that provides for~~  
20 ~~adequate opportunities for existing early childhood educators to~~  
21 ~~obtain the necessary transitional kindergarten qualifications by~~  
22 ~~July 1, 2019.~~

23 (g) Commencing with the 2015–16 school year, transitional  
24 kindergarten shall be taught by at least one teacher and one  
25 ~~associate teacher, paraprofessional,~~ and class size shall be limited  
26 to no more than 20 children.

27 48005.35. *On or before July 1, 2015, the Commission on*  
28 *Teacher Credentialing, in collaboration with the Superintendent,*  
29 *the California Community Colleges, the California State*  
30 *University, private postsecondary educational institutions, and*  
31 *the University of California, if it chooses to participate, shall*  
32 *establish a workforce development plan for transitional*  
33 *kindergarten teachers and paraprofessionals, and the*  
34 *administrators who supervise them, that recommends the steps*  
35 *necessary to provide adequate opportunities for existing early*  
36 *childhood educators to obtain the necessary qualifications on or*  
37 *before July 1, 2019.*

38 48005.40. (a) Transitional kindergarten *operated by a school*  
39 *district or a charter school* shall be eligible for school facilities  
40 funding.



1 (b) Funds made available to public schools for joint use facilities  
2 may be used for transitional kindergarten.

3 (c) Public local agencies or private local providers, or both,  
4 participating in the delivery of transitional kindergarten are  
5 encouraged to seek shared use agreements with a broad array of  
6 public and private entities.

7 *(d) It is the intent of the Legislature that any future statewide*  
8 *public education facilities bond act placed before the voters include*  
9 *bonds to provide aid to school districts and charter schools to*  
10 *construct and modernize public school-based facilities for*  
11 *transitional kindergarten.*

12 48005.45. Commencing with the 2015–16 school year,  
13 transitional kindergarten shall receive a per pupil base grant per  
14 unit of average daily attendance equal to two-thirds of the annual  
15 per pupil base grant provided for in subparagraph (A) of paragraph  
16 (1) of subdivision (d) of Section 42238.02, as adjusted for inflation  
17 pursuant to paragraph (2) of subdivision (d) of Section 42238.02,  
18 plus an additional adjustment of 10.4 percent, and a supplemental  
19 grant add-on, as computed pursuant to subdivision (e) of Section  
20 42238.02.

21 48005.50. For purposes of establishing collective bargaining  
22 rights for employees of a private local provider of transitional  
23 kindergarten pursuant to the terms of an agreement with the  
24 administering school district or charter school, as a condition of  
25 the receipt of funds, the private local provider shall be considered  
26 a public school employer, as defined in subdivision (k) of Section  
27 3540.1 of the Government Code, and Chapter 10.7 (commencing  
28 with Section 3540) of Division 4 of Title 1 of the Government  
29 Code, shall apply to the private local provider.

30 48005.55. *(a) A school district or charter school may contract*  
31 *with a public local agency or a private local provider, or both, to*  
32 *provide transitional kindergarten services to age-eligible children*  
33 *if both of the following conditions are satisfied:*

34 *(1) The school district or charter school is responsible for*  
35 *oversight and administration of the transitional kindergarten*  
36 *program in the same manner as if the transitional kindergarten*  
37 *program were located on a schoolsite of the school district or*  
38 *charter school. The school district or charter school shall have*  
39 *mechanisms and controls in place that ensure that the transitional*  
40 *kindergarten program adheres to all requirements that apply to*

1 *transitional kindergarten students including, but not limited to,*  
2 *the requirements of this article.*

3 (2) *Transitional kindergarten services provided by a public*  
4 *local agency or a private local provider shall be under the*  
5 *exclusive management and control of the governing board of the*  
6 *school district, or governing body of the charter school, that*  
7 *administers the contract.*

8 (b) *For purposes of subdivision (g) of Section 46300, Section*  
9 *48000, and this article, “private local provider” means a licensed*  
10 *child care provider, business, city, county, or city and county that*  
11 *satisfies the requirements for transitional kindergarten, including,*  
12 *but not limited to, the requirements of this article.*

13 (c) *For purposes of subdivision (g) of Section 46300, Section*  
14 *48000, and this article, “public facility” or “private facility”*  
15 *means a public or private facility that either has a child care*  
16 *license for age-eligible children, as defined in Division 12 of Title*  
17 *22 of the California Code of Regulations or is exempt from*  
18 *licensure, as described in Section 101158 of Title 22 of the*  
19 *California Code of Regulations.*

20 *SEC. 7. Section 60200 of the Education Code is amended to*  
21 *read:*

22 60200. The state board shall adopt basic instructional materials  
23 for use in *transitional kindergarten*, kindergarten, and grades 1 to  
24 8, inclusive, for governing boards, subject to the following  
25 provisions:

26 (a) The state board shall adopt at least five basic instructional  
27 materials for all applicable grade levels in each of the following  
28 subject areas:

29 (1) Language arts, including, but not limited to, spelling, reading,  
30 and English language development. The state board may not adopt  
31 basic instructional materials in this subject area or the subject area  
32 specified by paragraph (2) in the year succeeding the year in which  
33 the state board adopts basic instructional materials in this subject  
34 area for the same grade level.

35 (2) Mathematics. The state board may not adopt basic  
36 instructional materials in this subject area or the subject area  
37 specified by paragraph (1) in the year succeeding the year in which  
38 the state board adopts basic instructional materials in this subject  
39 area for the same grade level.

40 (3) Science.

1 (4) Social science.

2 (5) Bilingual or bicultural subjects.

3 (6) Any other subject, discipline, or interdisciplinary areas for  
4 which the state board determines the adoption of instructional  
5 materials to be necessary or desirable.

6 (b) The state board shall adopt procedures for the submission  
7 of basic instructional materials in order to comply with each of  
8 the following:

9 (1) Instructional materials may be submitted for adoption in any  
10 of the subject areas pursuant to paragraphs (1) to (6), inclusive, of  
11 subdivision (a) every eight years. The state board shall ensure that  
12 curriculum frameworks are reviewed and adopted in each subject  
13 area and that the criteria for evaluating instructional materials  
14 developed pursuant to subdivision (b) of Section 60204 are  
15 consistent with subdivision (c). The state board may prescribe  
16 reasonable conditions to restrict the resubmission of materials that  
17 have been previously rejected if those resubmitted materials have  
18 no substantive changes.

19 (2) If a publisher or manufacturer submits revisions to currently  
20 adopted instructional material for review after the timeframe  
21 specified by the state board, the department shall assess a fee on  
22 the submitting publisher or manufacturer in an amount that shall  
23 not exceed the reasonable costs to the department to conduct a  
24 review of the instructional material pursuant to this section.

25 (3) Submitted instructional materials shall be adopted or rejected  
26 within six months of the submission date of the materials pursuant  
27 to paragraph (1) unless the state board determines that a longer  
28 period of time, not to exceed an additional three months, is  
29 necessary due to the estimated volume or complexity of the  
30 materials for that subject in that year, or due to other circumstances  
31 beyond the reasonable control of the state board.

32 (4) The process for review of instructional materials shall  
33 involve review committees, which shall include, but not be limited  
34 to, volunteer content experts and instructional material reviewers,  
35 and shall be composed of a majority of classroom teachers from  
36 a wide variety of affected grade levels and subject areas.

37 (5) The rules and procedures for adoption of instructional  
38 materials shall be transparent and consistently applicable regardless  
39 of the format of the instructional materials, which may include,

1 but not be limited to, print, digital, and open-source instructional  
2 materials.

3 (c) In reviewing and adopting or recommending for adoption  
4 submitted basic instructional materials, the state board shall use  
5 the following criteria, and ensure that, in its judgment, the  
6 submitted basic instructional materials meet all of the following  
7 criteria:

8 (1) Are consistent with the criteria and the standards of quality  
9 prescribed in the state board's adopted curriculum framework. In  
10 making this determination, the state board shall consider both the  
11 framework and the submitted instructional materials as a whole.

12 (2) Comply with the requirements of Sections 60040, 60041,  
13 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state  
14 board's guidelines for social content.

15 (3) Are factually accurate and incorporate principles of  
16 instruction reflective of current and confirmed research.

17 (4) Are aligned to the content standards adopted by the state  
18 board in the subject area and the grade level or levels for which  
19 they are submitted.

20 (5) Do not contain materials, including illustrations, that provide  
21 unnecessary exposure to a commercial brand name, product, or  
22 corporate or company logo. Materials, including illustrations, that  
23 contain a commercial brand name, product, or corporate or  
24 company logo may not be used unless the state board determines  
25 that the use of the commercial brand name, product, or corporate  
26 or company logo is appropriate based on one of the following  
27 specific findings:

28 (A) If text, the use of the commercial brand name, product, or  
29 corporate or company logo in the instructional materials is  
30 necessary for an educational purpose, as defined in the guidelines  
31 or frameworks adopted by the state board.

32 (B) If an illustration, the appearance of a commercial brand  
33 name, product, or corporate or company logo in an illustration in  
34 instructional materials is incidental to the general nature of the  
35 illustration.

36 (6) Meet other criteria as are established by the state board as  
37 being necessary to accomplish the intent of Section 7.5 of Article  
38 IX of the California Constitution and of Section 1 of Chapter 1181  
39 of the Statutes of 1989, provided that the criteria are approved by  
40 resolution at the time the resolution adopting the framework for

1 the current adoption is approved, or at least 12 months before the  
2 date that the materials are to be approved for adoption.

3 (d) If basic instructional materials are rejected, the state board  
4 shall provide a specific, written explanation of the reasons why  
5 the submitted materials were not adopted, based on one or more  
6 of the criteria established under subdivision (c). In providing this  
7 explanation, the state board may use, in whole or in part, materials  
8 written by the Superintendent or any other advisers to the state  
9 board.

10 (e) The state board may adopt fewer than five basic instructional  
11 materials in each subject area for each grade level if either of the  
12 following occurs:

13 (1) Fewer than five basic instructional materials are submitted.

14 (2) The state board specifically finds that fewer than five basic  
15 instructional materials meet the criteria prescribed by paragraphs  
16 (1) to (5), inclusive, of subdivision (c), or the materials fail to meet  
17 the state board's adopted curriculum framework. If the state board  
18 adopts fewer than five basic instructional materials in any subject  
19 for any grade level, the state board shall conduct a review of the  
20 degree to which the criteria and procedures used to evaluate the  
21 submitted materials for that adoption were consistent with the state  
22 board's adopted curriculum framework.

23 (f) This section does not limit the authority of the state board  
24 to adopt materials that are not basic instructional materials.

25 (g) Consistent with the quality criteria for the state board's  
26 adopted curriculum framework, the state board shall prescribe  
27 procedures to provide the most open and flexible materials  
28 submission system and ensure that the adopted materials in each  
29 subject, taken as a whole, provide for the educational needs of the  
30 diverse pupil populations in the public schools, provide collections  
31 of instructional materials that illustrate diverse points of view,  
32 represent cultural pluralism, and provide a broad spectrum of  
33 knowledge, information, and technology-based materials to meet  
34 the goals of the program and the needs of pupils.

35 (h) Upon making an adoption, the state board shall make  
36 available to listed publishers and manufacturers and all school  
37 interests a listing of instructional materials, including the most  
38 current unit cost of those materials as computed pursuant to existing  
39 law. Items placed upon lists shall remain thereon, and be available  
40 for procurement through the state's systems of financing, from the

1 date of the adoption of the item and until a date established by the  
2 state board. The date established by the state board for continuing  
3 items on that list shall be the date on which the state board adopts  
4 instructional materials based on a new or revised curriculum  
5 framework. Lists of adopted instructional materials shall be made  
6 available by subject and grade level to school districts and posted  
7 on the department's Internet Web site, and shall include  
8 information from the reports of findings from the review  
9 committees pursuant to paragraph (4) of subdivision (b). The lists  
10 shall terminate and shall no longer be effective on the date  
11 prescribed by the state board pursuant to this subdivision.

12 (i) The state board may approve multiple lists of instructional  
13 materials, without designating a grade or subject, and the state  
14 board may designate more than one grade or subject whenever it  
15 determines that a single subject designation or a single grade  
16 designation would not promote the maximum efficiency of pupil  
17 learning. Any materials so designated may be placed on single  
18 grade or single subject lists, or multigrade or interdisciplinary lists,  
19 or may be placed on separate lists including other materials with  
20 similar grade or subject designations.

21 (j) A composite listing in the format of an order form may be  
22 used to meet the requirements of this section.

23 (k) The lists maintained pursuant to this section shall not be  
24 deemed to control the use period by any school district.

25 (l) The state board shall give publishers the opportunity to  
26 modify instructional materials, in a manner provided for in  
27 regulations adopted by the state board, if the state board finds that  
28 the instructional materials do not comply with paragraph (5) of  
29 subdivision (c).

30 (m) This section does not prohibit the publisher of instructional  
31 materials from including whatever corporate name or logo on the  
32 instructional materials that is necessary to provide basic  
33 information about the publisher, to protect its copyright, or to  
34 identify third-party sources of content.

35 (n) The state board may adopt regulations that provide for other  
36 exceptions to this section, as determined by the state board.

37 (o) The Superintendent shall develop, and the state board shall  
38 adopt, guidelines to implement this section.

1     ~~SEC. 6.~~

2     *SEC. 8.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

O